

1891-92.

192 .

( d. R. )

File No 132-

Serial Nos

Later references.  
R. R. 487-38-(1-6)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-6

Major Part B for July 1893.

SUBJECT.

Appeal of Venkatasubbiah regarding  
his huck to the Shanthorgi of Bannur  
of Narasipur Taluk.

Countersigned  
MK.

Land ~~15~~ 132 41

No 168 of 1891-92

Appt

Recd

Peakala subba

1. Varasamma

2. Timmanniah  
brother of No 1

In March 1878 1<sup>st</sup> No 1's brother who  
was then living died without issue. Appellants  
brother, who was the deceased grandfather's brother's son  
& the 1<sup>st</sup> No 1's claimed the office. — In ~~187~~ Dec 1878  
the Dy Commr decided that the claimants had no right  
to the office & ordered ~~that~~ <sup>one</sup> Sanyalak nominated  
by the 1<sup>st</sup> No 1's to be appointed as "Govt gumasta".  
The Commissioner however issued an order on 16 Jan'y  
1879 to the 2<sup>d</sup> No 1's that he has been appointed Sheriff  
& that Sanyalak will do duties on his behalf. No  
authority for this order is forthcoming. ~~Appellants~~ <sup>the</sup>  
~~Commissioner thought that as the 1<sup>st</sup> No 1's~~ <sup>as</sup> claimed  
the office in 1883 by a Miscellaneous Petition <sup>in April 1884</sup> and it was reported  
of the Govt ordered to seek redress by a Petition. He claimed  
again by a Misc. Petition in 1889 & his claim was rejected.  
He brought a suit finally in Sept 1891 & it was dismissed  
by the Dy Commr as barred by the Limitation Act.

Appl asserts that he is  
 a married member of the family  
 & as such he has no right  
 to claim the office while 1<sup>st</sup>  
 Resp<sup>t</sup> who is <sup>the</sup> ~~his~~ <sup>of the last holder</sup> ~~wife~~ <sup>is alive</sup>. —  
 The registry of the office in the  
 name of the 2<sup>d</sup> Resp<sup>t</sup> was  
 unauthorized — It was the  
 he transferred to the name  
 of the 1<sup>st</sup> Resp<sup>t</sup> — who may  
 appoint the 2<sup>d</sup> Resp<sup>t</sup> as her  
 juror. — The appl may  
 assert his claim after ~~the~~  
 the death of the 1<sup>st</sup> Resp<sup>t</sup> —

*[Signature]*

27/6/92

*[Signature]*

used,

I offer has been ordered  
to be registered for the name  
of Nicholas as a witness  
of the last will & testament —

after every other the claims  
after her death. He has

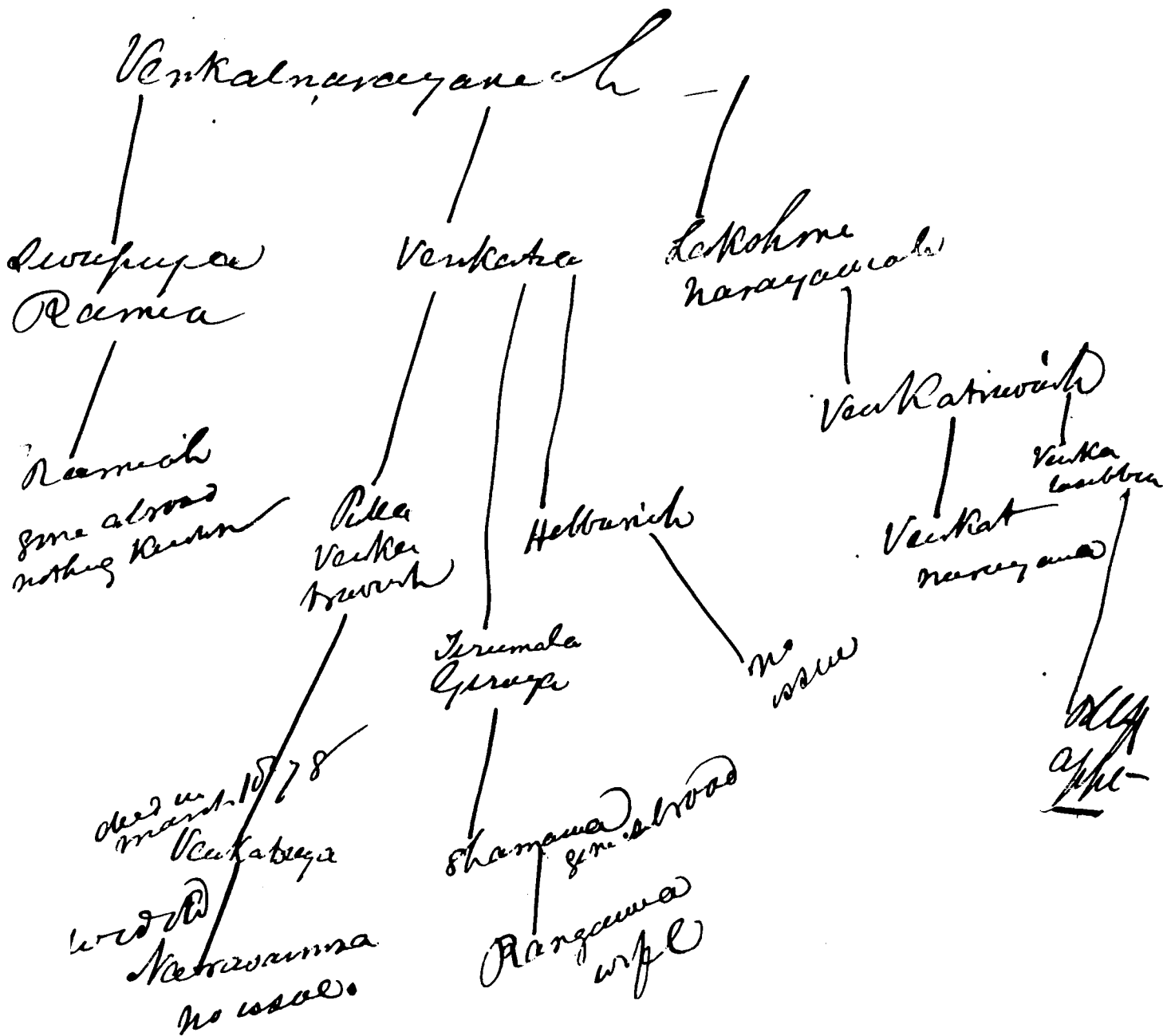
no claim of action at present

as he admits to be a debtor

member of the family

111

4



26-12-91  
26-12-91

26-12-91  
26-12-91

MYSORE DEWAN'S OFFICE.  
PETITION DEPARTMENT.  
REG'D. N. 2445  
DATE 31-12-91

11/12/91  
11/12/91

Appeal No. 163 of 91-92

861

The Dewan in Bangalore  
to His Highness the Maharaja of Mysore.  
Regular Revenue appeal no.

Venkatashankar son of Doddar  
Venkataswami, residing at  
Bangalore, Thimmaiah's name  
husband. } Plaintiff and Appellant.

1. Savanamma, wife of Venkataswami.  
Thimmaiah, son, brother  
of the Respondent, both  
residing in Bangalore. } Defendants and Respondents.

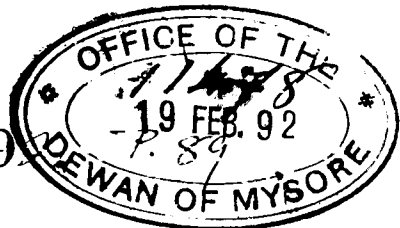
1. Stamp correct.  
2. Appeal in time.  
3. Copy of order produced.  
4. Counsel note I plan to.  
5. Counsel note to the Council.  
6. 23/1/92

Plaintiff above named has to be  
held liable against the  
Council by the Deputy Commissioner.  
Regular Revenue Case No. 50  
of 1991 on the following grounds, namely:  
That Phannamma was a married woman.

23/1/92



189



From

The Deputy Commissioner  
Mysore District

To

The Chief Secretary to the Dewan  
of Mysore

Dated 17<sup>th</sup>

Despatched 18<sup>th</sup>

Received

Enclosures No. one & 11 file

General No. 1030  
No.

Official Memorandum dated 18<sup>th</sup> Feb. 1902 forwarding for submission of proceedings with a clear statement of the case, an appeal petition & the historical of the case.

Has the honor to submit the proceedings called for in the above with a precise.

The appeal petition and its enclosures are herewith returned.

Deputy Commissioner  
Mysore District

Compd.

at

Per Deputy

18/2/92

MMA

10  
Worked for  
Karnay on  
2<sup>nd</sup> June 1892.

Notice to  
issue is already  
ordered.

11. Material papers  
the enclosed  
as per record

11  
23/2/92

MMA  
24/2

No. 208. It will now be clear to the Amildar that the enquiry he held and the report forwarded (No. 208) is far from complete. There is evidently a great contest for the appointment, hence the enquiry should be full and complete and exact. The Amildar in reply reported to say the Ch. : sins of the deceased have already been <sup>charges</sup> and they find it difficult to attend to their work satisfactorily, that therefore the widow's request might be granted and Sanjiviah who is an intelligent Shambhogue may be appointed to act for her minor brother in whose name the Barward is sought to be made. "The next Comr. therefore said," have the two men who now claim the Shambhogue ship before you and take their depositions: ask them how they intend discharging the duties at Bannur where they have their Villages to look after; ask them what real relationship exists between them and the deceased. The word "Bopadi" is too vague and many mean almost anything." In reply

Vanketiah

the Amildar

Siva Pooja Ramiah - Vanketiah - Lutchman Ramiah - reported to say that Ramiah.

(whereabouts not known.)

Govindasanket:  
: Ramiah.

Tirumala H. Chelavaya  
: piak -

Vanket Ramiah

(Deceased Shambhogue in question)

Vanket Ramiah

Shambhogue

(whereabouts not known)

Shambhogue

Shambhogue

Shambhogue

Vanket Ramiah

it was stated that

he was brother to

the deceased, but

the

that was an offici male tail, that though he  
had other appointments he would appoint a  
fit Gormastah to look after the place if only  
the Baranah was made in his brother's name  
that the other Council Rammish belonged to another  
stock altogether and that this man's deposi-  
tion could not be had as he was not present  
in Town.

Other depositions were taken by the  
Subdivision Office and Asst Commr in English  
of the marginally noted persons, 1. Vanketarsuiah.  
2. Rammish. } marked  
and a report made whereupon the 3. Rammish - } (2)(3)(4)  
Deputy Commr passed the following order: - } (5) in  
4. Vanket-Rammish. } red pencil.

" Informs that Shamamah who is alive, is the  
heir - name of the other claimants are legal heirs  
to the Hutkdar, which in the absence of Shamamah  
(if over 12 years) which should be ascertained,  
is extinct and has reverted to Government.  
No name will be filled in as Hutkdar in  
Register, but Sanjiviah friend of deceased  
Hutkdar's widow is appointed Govt Gormastah  
and performer of duty. The Proceedings are  
returned "

On the 24<sup>th</sup> Dec 1878 the  
Asst Commr ordered the Hutkdar to have the  
work taken from Sanjiviah as Gormastah  
for Government and that nothing need be  
entered in Column Hutkdar Register. The  
same was accordingly reported by Shamida  
to have been done. In the month of September  
1878, the brother of the above mentioned

15

Vankernammaiah, Vanket Shaulbagh petitioned to the District to establish his Claims to the Shaulbagh Ship. This petition was referred to the Amildar for information who passed order to effect that as the matter was settled by the Sub-Division Officer Mandya in 1878 nothing could be done in the matter, that if petitioner had any real right he might establish it by proper suit.

Again in the month of November 1886 Vankernammaiah petitioned the Amildar of T. Kurnipoor to go into the Records once more and appoint him the Barawandar, as no Barawandar was appointed by the order of the Mandya Sub-Division Officer above quoted. The brother of the late Shaulbagh's widow Timammaiah also petitioned to the Amildar to have his right established as well as for the return of the order of the Talook appointing him the Shaulbagh of the village of Baucorn, which he had filed in the Talook during recent enquiry. The Amildar thereon made a long report seeking order of the Deputy Commr. in the matter. It will also appear from the report that there are 2 Barawandar Shaulbaghs of the village. Mr. Alcock thereon ordered that the brother of the late Shaulbagh's widow be tried experimentally as Shaulbagh for  
- 15

16  
Six months and that the ~~child~~ should report  
after this trial as to the capabilities of his  
thammannah. At this juncture the brother  
of Ennai Vanketnarrannah, Vanketsoobiah  
petitioned to the Deputy Commr in English, stating  
the whole of his claim. The Petitioner was ordered  
to bring a regular suit to establish his title  
to the Shambhag's place. A regular suit  
was filed by the above petitioner Vanketsoobiah -  
and the Judgment now appealed against and  
marked y in red pencil was pronounced  
by the Deputy Commr. holding the suit barred  
by Limitation. -

Adm -

By Commissioner.

Myroodust

17

1892.

From

The Chief Secretary  
to the Dewan of Mysore.

To

The Dy. Commr.,  
Mysore Distt.

Dated 7<sup>th</sup>

Despatched //

Received

July 1892

Enclosures No. one file of v.  
papers -

General No. 364.

File No. 26-7273

Deciding that Appikhan  
Kankatubbish may assert  
his claim to the Shankhaji of  
Bannur village, & therefore  
Sahib, after the death of the  
1<sup>st</sup> Esq. Narasanna, the  
Registrar.

References to be marked.

P. F. 104 of 93

G. R. S. IX-5]

Previous references.

1891-92

192 .

( LR )

File No. 131791

Serial Nos. 1-9

Later references.

## GENERAL AND REVENUE SECRETARIAT

Serial Nos.

169

Major

Part B for

March 94

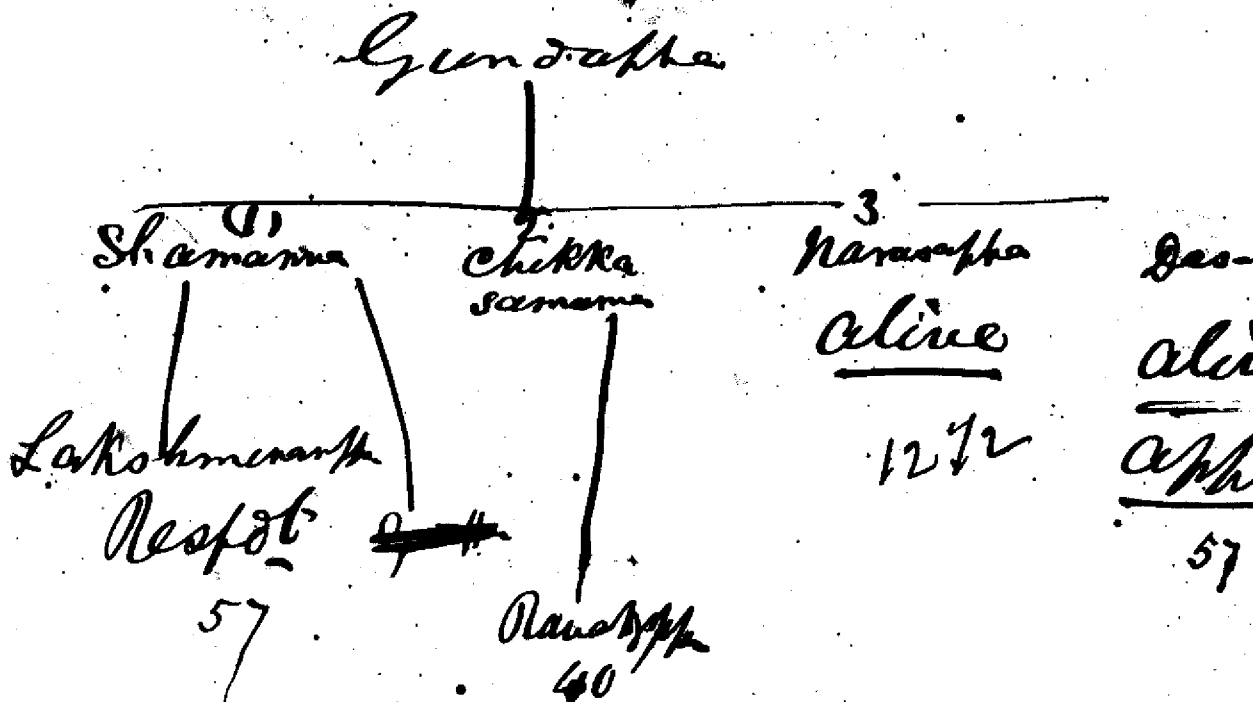
SUBJECT.  
Appeal of Dasappa regarding the Shanthogi  
of Dinamaghattanahalli and Narasimhanahalli in  
Goribidanur Taluk

Indexed  
AS

Comptroller  
AS

AS

He went to Narayappa, and his  
uncle of Respot. — But <sup>in 1889</sup> the Dy Commr  
ordered the shambhage of all the 3  
villages to be registered in the  
name of the Respot, & to leave the  
regency of Patail undisturbed. — The  
appeal is against the order. — ~~The~~  
~~appeal has been against the order~~ the  
table of the genealogy of the family is given below



The Dy Commr gives no reason for not  
accepting the amicable settlement made  
by the parties. —

10

8

Ms A.202 v.1891-92

Asst  
Dasappa

of Inkhere

Guerridance  
Salary

Polur de

prescribed by the  
Sennasayger  
Court

Report

Lakshminarayana

represented by

Leor Haryzans  
advocate.

Appellants & <sup>branch of</sup> ~~deaf~~ <sup>deaf</sup> are members of  
family related as shown below.

Goruptha

ma

Chikka  
Shanana

Novappa  
alone

Gasappa

gentle  
alone

*Rana  
chrysops  
olive*

~~Adapted~~  
Adapted

order the passed. The passed

the name of the Despot, &  
 that the Patrici officers  
<sup>showed</sup> may remain as they  
 were. The Dr. Cant  
 has not given his reasons  
 for not complying with  
 the request of the parties  
 of the Despot is now ~~unable~~  
~~to show cause, why their~~  
~~amicable settlement~~  
~~should not be carried out.~~

but from the Records it appears  
 that ~~Patrici~~ Despot's Mother ~~had~~  
 presented a <sup>petition</sup> to the Dr. Cant  
 on 7<sup>th</sup> March <sup>states</sup> that the Shanthoji  
 right of Narasimhabilla was  
 acquired by her husband &  
 that the Shanthoji right of all  
 the Villages should be registered  
 in the name of her & her second  
 son - Probably the Dr. Cant  
 did not wish to go into the  
 matter & simply gave the  
 order he passed. The Despot



of the deceased than the Plaintiff. She latter became entitled to the right of the Phaullogee Ship belonging to the deceased, only in the year 1880, when the presumption of the death of the former (Phaullogee) arose under Section 108 of the Evidence Act. Hence there was no necessity to appeal from the Order passed in 1878, and he is now entitled to the office in question, having brought the suit within 12 years from the year 1880.

That the Suit is not barred by Article 14 of the Limitation Act as shown below:-

- (1). That the Order passed by the Deputy Commissioner in 1878 was one which the Plaintiff or his brother was not legally bound to appeal against or have it set aside in a regular suit.
- (2). The cause of action and the nature of a Sought in this case are quite different from those in the previous case. In other words, the present Suit is by the Plaintiff as a commissioner to set aside an alienation effected by the Defendant who is a widow. Article 14 does not apply.
- (3). The Petition presented by

9  
L:R 132  
No. 272 (2) R.

MYSORE DEWAN'S OFFICE,  
PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2445  
dated 28<sup>th</sup> December/91 received at the  
Dewan's Office from Mr. N. Soobba Row,

*From the same No. 1030 of 17/2/92*  
Pleader for appellant Venkata  
soobbiah, son of Dodda Venka-  
taramaniiah, residing at  
Bannoor, Trinmalleshwara  
-apur Taluk.  
is forwarded, together with its one  
enclosure, to the Deputy Com-  
missioner, Mysore District,  
for submission of Proceedings  
with a clear statement of  
the case.

By Order,

BANGALORE, }

29 January 1892. }

*Chief Secretary.*

11

Precedence

(3)

9/2/78  
S. 1/2/78  
M. 1/2/78

To the 22nd July 1878

On the 22nd July 1878 the Amildar of Ashtagram Talook reported to say that one Venketraya Shaubhag of Basawoor died, that he had no children, that he left a widow Nursamma, that though there are distant Cousins Venketnaramiah and Ramniah, yet the widow wanted to have the work taken by her brother-in-law Immamah - as the aforesaid Cousins did not attend to perform the obsequies of her deceased husband, that she wanted that one Sujiviah in whom she had Confidence should be allowed to perform the work during the boy's minority, that in reply to a reference as to the means &c of the said Sujiviah, the Sheikdar reports that the Shaubhag of Basawanahully, Malliah - Consents to stand security for the said Sujiviah; that the said Immamah is a boy of 14 years and that as requested by the widow Nursamma, the Baravard might be made in his name and work taken for the said Sujiviah as formast. The Secy<sup>r</sup> of the Govt in Charge of the Talook said "I cannot forward these papers to the District as the Enquiry is very incomplete; there is a petition filed by Venketnaramiah, and the Amildar's Report mentions that there is another man besides this Venketnaramiah. These men should have

been examined and then the ~~the~~ ~~the~~ commendation  
made after personal examination of candidate  
and the formastah. The enquiry ought to be  
held soon - no temporary arrangement sanctioned".  
In the meanwhile, one Rangamma widow of  
Bumoor Shammaiah petitioned the Deputy  
Commissioner forwarding the Proceedings of  
Colonel Hill wherein it was ordered that "it is  
not desirable that one man should be ap-  
pointed to two Shaubhagships. Therefore  
the widow of Shammaiah former Shaubhag  
may be appointed and her brother be allowed  
to act for her. This petition was referred for  
report wherein the Amil says that the deceased  
Shaubhag Vanketraya and another Lukhmi  
Naranappa were dismissed for defalcations  
and this order now presented by Rangamma  
seems to have been issued, but that on appeal  
the above said deceased Vanketraya seems  
to have been declared not guilty - and he has  
been ordered to <sup>be</sup> given his usual appointment  
by the Deputy Commissioner and now that this  
man is deceased his widow's rights have to be  
recognized and the Barward made as per  
her desires in her brother's name. The Amil  
again in reply to the Asst Commr's order he  
to the effect "Forwarded to the Amildar in  
reference to the order passed on his

Before the Government of His Highness the Maharaja of Mysore.

Appeal No. 168 of 1891-92

L.R. 132-91  
82 5

Appellant.

Venkatasubbiah,  
Bannur village  
S. Narasimha Salunk,  
represented by Mr.  
H. Sorbba Rao, Reader

Vs.

Respondents

- 1 Narasimma
- 2 Srimanniah  
brother of No. 1,  
by Mr. Srinivasan  
Advocate

Decision. 27-6-92

In March 1878, 1<sup>st</sup> Respondents' husband, who was Shanbogue, died without issue. Appellant's brother, who was the deceased's grandfather's brother's grandson, and the 1<sup>st</sup> Respondent claimed the office. In December 1878 the Deputy Commissioner decided that the claimants had no right to the office and ordered one Saigiviah nominated by the 1<sup>st</sup> Respondent to be appointed as "Government gunasta". The Amildar however issued an order on 16<sup>th</sup> January 1879 to the 2<sup>nd</sup> Respondent, that he has been appointed Shanbogue, and that Saigiviah will do duties on his behalf. No authority for this order

is forthcoming. Appallant claimed the Office  
 in 1883 by a <sup>Miscellaneous</sup> ~~miscellaneous~~ Petition, but it was rejected,  
 and he was ordered, in April 1884, to seek re-  
 dress by a suit. He claimed again by a  
 Miscellaneous Petition in 1889 and his claim  
 was rejected. He brought a suit finally in  
 September 1891 and it was dismissed by the Dy.  
 Commissioner as barred by the Limitation Act.

2 Appallant admits that he is a divided  
 member of the family, and, as such, he has  
 no right to claim the office while 1<sup>st</sup> Respondent,  
 who is the widow of the last holder, is alive.  
 The registry of the Office in the name of the 2<sup>d</sup>  
 Respondent was ~~unauthorized~~ <sup>unauthorized</sup>. It will, therefore,  
 be transferred to the name of the 1<sup>st</sup> Respondent,  
 who may appoint the 2<sup>d</sup> Respondent as her  
 gunasthi. The Appallant may assert his  
 claim after the death of the 1<sup>st</sup> Respondent

W  
 6/7/92

'By order'  
 [Signature]  
 Chief Secretary

7/7

Sp. 364  
 Pet. F. 26-92-93  
 Copy to the Deputy Commr. Mysore Dist. with  
 the ver. Drgs. received with his No. 1030 of 17-2-92.

W Draft  
 [Signature]

'By order'  
 [Signature]  
 Chief Secretary

No. 168

Appellant

Venkataramiah  
Bannur village,  
S. Narasapur Endorsement.  
Subst by S. Subbaram;  
Reader.

20

(4)

Respondent

- 1 Narasamma
  - 2 Timmasaiah
- brother of No 1

Rep? 222445

In reply to - his

Petition dated 28<sup>th</sup> Decr /91, Appellant,

is informed that the Office has been ordered to be registered in the name of Narasamma, the widow of the last male holder. Appellant is informed that may assert his claims after her death. He has no cause of action at present as he admits to be a divided member of the family.

2 The enc. is returned.

u/f

11/7

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

11

June 1892  
July

By Order,

Draft

Chief

Secretary.

Mysore Government Central Press Bangalore. - 23-9-91-1000.

11/7

Issued with enclosures

11/7